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File No. Medical Council II/46

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Indian Medical Council Act, 1933

p. 2 / 4

File No. Medical Council II/46,

Gen. 194 e.

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Provided that a duplicate voting paper and covers shall be supplied by registered post or be delivered in person if so desired to an elector who has not received his voting paper, on his applying to the Returning Officer for the same at any time not later than .....?..... before the date appointed under clause (c) of rule 3 for the receipt of voting papers. A mark "Duplicate" shall be placed on the bigger cover which will bear the same serial alphabetical number as given to the said elector. The Returning Officer shall keep a record of all the duplicate voting papers issued by him:

Here insert time.

Provided further that where the Returning Officer receive more than one voting paper from any elector all such voting papers shall be declared as invalid.

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Office of the R.L.A.

Rule 4(1) of the Indian Medical Council Rules requires the Returning Officer to prepare and publish in the Gazettes not later than 90 days before the date appointed under rule, 3(d) for the counting of votes, an electoral roll of persons enrolled on the register kept under section 6 of the Bombay Medical Act, 1912. Although it is quite true that the Returning Officer can prepare and publish this electoral roll at any time three months before the date fixed under rule 3(d) for the counting of votes, in practice such provisions prescribing the maximum or the minimum, as the case may be, tend to become and do in fact become the minimum and maximum, respectively. The Returning Officer therefore would be found invariably to publish the roll exactly 90 days before the date fixed for the counting of votes, since it is permissible for him to do so. This leaves hardly sufficient time for the other stages of the election; such as, nomination, scrutiny, voting, counting etc. An amendment of rules 4(1) and 9(2) is therefore necessary.

2. The existing proviso to rule 10(1) and the proposed revised proviso at page 33 ante also provide that the Returning Officer shall send by registered post or by personal delivery (in the case of revised proviso) to any elector a voting paper who applies for the same at any time not later than 24 hours before the date appointed under rule 3(c) for the receipt of voting papers. Under sub-rule(4) of rule 10 voting papers which are not received by the Returning Officer before the date and hour appointed under rule 3(c) for the receipt of voting papers shall be rejected. There is no sense therefore in making a provision that a duplicate voting paper shall be sent by registered post to a voter even if he asks for it only one day previous to the date fixed under rule 3(c) for the receipt of voting papers by the Returning Officer, since it would not be possible for such voter to return it in time to the Returning Officer with the result that it will be rejected.

P.T.O.

3. A revised draft of the proposed proviso to rule 10(1) leaving the time within which an elector who has not received his voting paper should apply for a duplicate, blank is sent herewith.

Sd/- A.R.Khan,

Dep Remembrancer of Legal Affairs.

U.R. to G.D. No. 5751, dated the 19th August 1946.

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